

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BRETT E. AVERETT,

Plaintiff,

-V-

CAPITAL ONE BANK (USA), NATIONAL
ASSOCIATION AND TRANS UNION, LLC,

Defendants.

21 Civ. 1626 (JPC)

ORDER OF DISMISSAL
AS TO CAPITAL ONE
BANK (USA), N.A.

JOHN P. CRONAN, United States District Judge:

The Court has been informed that Plaintiff Brett E. Averett and Defendant Capital One Bank (USA), National Association (“Capital One”) have reached a settlement in this case. Accordingly, it is hereby ORDERED that this action is DISMISSED as to Defendant Capital One only, without costs and without prejudice to restoring the action to the Court’s calendar, provided the application to restore the action is made within thirty days of this Order. Any such application filed after thirty days from the date of this Order may be denied solely on that basis. If the parties wish for the Court to retain jurisdiction for the purposes of enforcing any settlement agreement, they must submit the settlement agreement to the Court by the deadline to reopen to be “so ordered” by the Court. Pursuant to 3.F of the Court’s Individual Rules and Practices for Civil Cases, unless the Court orders otherwise, the Court will not retain jurisdiction to enforce a settlement agreement unless it is made part of the public record. Any pending motions are moot

as to Defendant Capital One only. All conferences are canceled as to Defendant Capital One only.

The Clerk of Court is respectfully directed to dismiss Defendant Capital One only, with prejudice.

SO ORDERED.

Dated: September 30, 2021
New York, New York

A handwritten signature in black ink, appearing to read "John P. Cronan", written over a horizontal line.

JOHN P. CRONAN
United States District Judge